

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KENNETH MURCHISON,

Plaintiff,

v.

WARDEN, BRIAN BLEDSOE, et al.,

Defendants.

CIVIL ACTION NO. 3:11-cv-1944

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

ORDER

NOW this 11th day of June, 2012, after consideration of Magistrate Judge Thomas M. Blewitt's Report and Recommendation in this matter (Doc. 22), **IT IS HEREBY ORDERED THAT** the Report and Recommendation is **ADOPTED IN PART AND REJECTED IN PART** as follows:

1. Plaintiffs claims are **DISMISSED** except for his Eighth Amendment claim for denial of proper medical care against Defendants PA Potter and Dr. Pigos which shall be allowed to proceed;
2. Plaintiff may file a second amended complaint within forty-five (45) days from the date of this Order, containing only: (1) an Eighth Amendment claim for denial of proper medical care against Defendants PA Potter and Dr. Pigos; (2) an Eighth Amendment conditions of confinement claim; (3) a claim against Defendant Warden Bledsoe and Unnamed Administrative Remedy Coordinators for "forced cell mating;" (4) a First Amendment denial of access to courts claim; and (5) a claim under the FTCA;
3. Plaintiff's Motion for Enforcement of Recommitment Order (Doc. 20) is deemed **MOOT**; and
4. Plaintiff's Motion to Supplement (Doc. 21) is **DENIED**.

5. This mater is **RECOMMITTED** to Magistrate Judge Blewitt for further proceedings.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge